



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 1

5 Post Office Square, Suite 100  
Boston, MA 02109-3912

SEP 07 2011

**URGENT LEGAL MATTER  
REQUIRES PROMPT RESPONSE**

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Eric Graves, President  
Boothbay Harbor Shipyard, LLC  
120 Commercial Street  
PO Box 462  
Boothbay Harbor, ME 04538-0462

Re: Clean Air Act Reporting Requirement

Dear Mr. Graves:

The United States Environmental Protection Agency ("EPA") is evaluating whether the operations of Boothbay Harbor Shipyard, LLC at 120 Commercial Street in Boothbay Harbor, Maine ("Boothbay Shipyard") are in compliance with the Clean Air Act ("CAA" or "Act") and requirements promulgated under the Act, including but not limited to: the Maine State Implementation Plan ("SIP"), which includes federally-approved portions of Maine's Air Pollution Control Regulations; the National Emission Standards for Hazardous Air Pollutants for Boat Manufacturing (the "Boat Manufacturing NESHAP") promulgated at 40 CFR Part 63, Subpart VVVV; and National Emission Standards for Hazardous Air Pollutants for Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources promulgated at 40 CFR Part 63, Subpart HHHHHH ("Miscellaneous Surface Coating NESHAP").

Section 114(a)(1) of the Act, 42 U.S.C. Section 7414(a)(1), gives EPA the authority to require any person who owns or operates any emission source to establish and maintain records, make reports, sample emissions, and provide such other information as may reasonably be required to enable EPA to determine whether such person is in compliance with the Act and its implementing regulations, including the Maine SIP, the Shipbuilding NESHAP, and the Boat Manufacturing NESHAP.

This Reporting Requirement requires Boothbay Shipyard to provide the information listed in each numbered paragraph below within sixty (60) days of receipt of this letter. If Boothbay Shipyard does not possess some or all of the records or documents that respond to a specific request below, Boothbay Shipyard shall state in writing that the records or documents do not exist, and explain why.

1. Provide the following information for the facility at 120 Commercial Street, Boothbay Harbor, Maine (hereafter referred to as the "Facility"):
  - a. Provide the address;
  - b. Provide the date that the Facility began operations;
  - c. Provide the name and phone number of the plant manager;
  - d. Provide the number of employees;
  - e. Provide the size in acres; and
  - f. Provide the frontage on a navigable waterway, in feet.
2. For each coating or resin that Boothbay Shipyard has purchased for the Facility from January 2008 to December 2010, provide the following information:
  - a. The name of the coating or resin;
  - b. The type of the coating or resin (paint, thinner, cleaner, latex, solvent, acrylic, hardener, sealing and release agents, mold stripping agents, etc. – see the categories specified in 40 CFR Part 63, Subpart II, Table 2, where applicable);
  - c. Whether the coating contains nickel, cadmium, lead, manganese, chrome, and/or methylene chloride;
  - d. The total VOC content of the coating in lbs VOC per gallon of coating. The VOC content must come from the manufacturer of the coating. If the manufacturer provides a range, use the upper bound of the range;
  - e. The total HAP content of the coating in lbs HAP per gallon of coating. The HAP content must come from the manufacturer of the coating. If the manufacturer provides a range, use the upper bound of the range;
  - f. The coating density in pounds of coating per gallon of coating; and
  - g. The annual amount of coating/resin purchased each year from 2008 through 2010 (in gallons).

To provide your response, please use the enclosed spreadsheet labeled "Coatings - As Purchased" (also provided on an enclosed disc), or use an equivalent spreadsheet format.

Submissions required by this letter shall be mailed to:

Susan Studlien, Director  
Office of Environmental Stewardship  
US Environmental Protection Agency, New England  
5 Post Office Square, Suite 100  
Boston, Massachusetts 02114  
Attn: Steven Calder (OES 04-2)

Be aware that if Boothbay Shipyard does not provide the information in a timely manner, EPA may order it to comply and may assess monetary penalties under Section 113 of the Clean Air Act. Federal law also establishes criminal penalties for providing false information to EPA. This letter is not subject to Office of Management and Budget review pursuant to the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

You may assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 CFR § 2.203(b). Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in 40 CFR Part 2, Subpart B. Note that certain categories of information, such as emission data, are not properly the subject of such a claim. If no such claim accompanies the information when EPA receives it, EPA may make the information available to the public without further notice to you.

If you have any questions regarding this Reporting Requirement, please contact Environmental Engineer, Steven Calder, at (617) 918-1744, or have your attorney call Senior Enforcement Counsel, Thomas T. Olivier, at (617) 918-1737.

Sincerely,



Susan Studlien, Director  
Office of Environmental Stewardship

cc: Louis Fontaine, ME DEP  
Larry Colcord, Boothbay Shipyard

Enclosures: Spreadsheet and disc



**Note: Need Separate Spreadsheet for Each Facility**

**Note: Use VOC and HAP content from manufacturer - if given range, use upper bound**

**Note:** For type of coating, see the categories specified in 40 CFR Part 63, Subpart II, Table 2, where applicable

	2006	2007	2008	2009	2010
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